

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KITRICH A. POWELL,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 2:06-cv-01264-KJD-DJA

ORDER

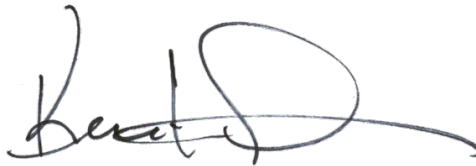
In this capital habeas corpus action, the respondents filed a motion to dismiss (ECF No. 235) on September 14, 2022. On June 29, 2023, Petitioner Kitrich A. Powell, who is represented by appointed counsel, filed an opposition to the motion to dismiss (ECF No. 245), along with a motion for leave to conduct discovery (ECF No. 248) and a motion for an evidentiary hearing (ECF No. 247). After a 30-day initial period (*see* ECF No. 100) and extensions of time of 45 days (ECF No. 253), 29 days (ECF No. 255), 60 days (ECF No. 257), and 30 days (ECF No. 259), Respondents had until January 11, 2024, to file a reply to Powell's opposition to the motion to dismiss and responses to Powell's two motions.

On January 11, 2024, Respondents filed a motion for extension of time (ECF No. 260), requesting a further 28-day extension, to February 8, 2024. Respondents' counsel states that this extension of time is necessary because of her obligations in other cases and responsibilities at the Office of the Nevada Attorney General. Respondents' counsel represents that Powell does not oppose the motion for extension of time. The Court finds that Respondents' motion for extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause for the extension of time requested.

As the briefing of this motion to dismiss will now have taken over 16 months, and as Respondents have had over six months to file their reply in support of their motion to dismiss and responses to Powell's two motions, the Court will not look favorably upon any motion to further extend these deadlines.

1 **IT IS THEREFORE ORDERED** that Respondents' Motion for Enlargement of Time
2 (ECF No. 260) is **GRANTED**. Respondents will have until and including **February 8, 2024**, to
3 file their reply to Petitioner's opposition to the motion to dismiss and responses to Petitioner's
4 motion for leave to conduct discovery and motion for an evidentiary hearing. In all other
5 respects, the schedule for further proceedings set forth in the order entered August 24, 2020
6 (ECF No. 100) will remain in effect.

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8 DATED THIS 19th day of January 2024.

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12 KENT J. DAWSON
13 UNITED STATES DISTRICT JUDGE
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